

THE HON'BLE MR JUSTICE B.PRAKASH RAO
and
THE HON'BLE DR JUSTICE G.YETHIRAJULU

WRIT PETITION NO : 12747 of 2005

Date:03-10-2005

Between:

- 1 Huda Colony Asifnagar Owner & Residents Welfare Society, (Regd.No. 1293/2002) rep. by its President Sri Ahmed Mohiuddin S/o Late Sri Mohd. Sharfuddin aged 66 yers, R/o 12-1-490/H/55, Huda Colony, Asifnagar, Hyderabad.
- 2 D.R.K. Parma Hamsa, S/o Late Venkanna Naidu, Secretary, Huda Colony, Asifnagar Owner & Residents Welfare Society, R/o 12-1-490/40-B/Plot LIG 23, Huda Colony,Asifnagar, Hyderabad-29.

..... PETITIONERS

AND

- 1 Municipal Corporation of Hyderabad, Tank Bund Road, Hyderabad, Rep. by its Commissioner and others

....RESPONDENTS

THE HON'BLE SRI JUSTICE B.PRAKASH RAO

AND

THE HON'BLE Dr. JUSTICE G.YETHIRAJULU

W.P.No.12747 of 2005

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JUDGMENT: (Per the Hon'ble Sri Justice B.Prakash Rao)

Heard Sri Vidyasagar, the learned counsel appearing for the petitioners, Sri Ganta Ramarao learned Standing counsel appearing for the Municipal Corporation of Hyderabad, Mr.S.V.Bhatt, learned counsel for respondent No.2 and the learned Government Pleader for Home.

The main complaint made in this writ petition is setting up of the industrial and commercial units in the Asifnagar Residential Complex, Hyderabad is against the provisions of law and for a direction to the respondent 1, 2 and 6 to remove such offending constructions raised in the residential complex situated in Asifnagar in contravention of the HUDA Regulations.

On perusal of the counter affidavit filed on behalf of the respondent No.1, there is no serious dispute in regard to such structures made in the industrial area and also covering the road margin. However, it was pointed out that in spite of the letter dated 01-03-2005 addressed by the Deputy Commissioner of Police fixing the programme for removal of encroachments on the road margin at HUDA colony and for requiring sufficient police assistance during the course of action, no police protection was provided.

The learned Government Pleader for Home fairly submits that the question of denial of such request does not arise and he would issue necessary instructions to the concerned police authorities to give the police protection for such programme.

Having heard the counsel on either side and having accepted the submissions made by the learned Government Pleader for Home, the writ petition is disposed of directing respondents 1 and 5 to proceed with the programme as it has already been fixed for removal of such encroachments and take necessary action. It is needless to mention that sufficient police protection shall be provided as per the request made by the respondent No.1 vide letter dated 01-03-2005. No costs.

B.PRAKASH RAO, J

Dr.G.YETHIRAJULU, J

Date:03-10-2005.

YCR